

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

GEORGE ROBINSON, JR.,)	CASE NO. 5:06 CV 2967
)	
Petitioner,)	JUDGE JOHN R. ADAMS
)	
v.)	
)	<u>MEMORANDUM OF OPINION</u>
STUART HUDSON,)	
)	
Respondent.)	

On December 11, 2006, pro se petitioner George Robinson, Jr. filed the above-captioned petition for writ of habeas corpus under 28 U.S.C. § 2254. Robinson is incarcerated in an Ohio penal institution, having been convicted in September 2005 of aggravated robbery, unlawful restraint, disrupting public services, and theft from the elderly. For the reasons stated below, the petition will be denied and this action dismissed.

A federal court may entertain a habeas petition filed by a person in state custody only on the ground that he is in custody in violation of the Constitution, laws, or treaties of the United States. 28 U.S.C. § 2254(a). In addition, the petitioner must have exhausted all available state remedies. 28 U.S.C. § 2254(b), (c).

As grounds for the petition, Robinson asserts: 1) his conviction is against the manifest weight of the evidence; 2) his conviction is based on insufficient evidence; 3) trial counsel was ineffective; and 4) a competency hearing was denied.

It is evident on the face of the petition that Robinson has yet to exhaust his state court remedies, as he has an appeal filed by counsel pending in the Ohio Supreme Court seeking to raise the issues sought to be raised herein. State v. Robinson, Case No. 2006-2267. His petition is thus premature. See Hannah v. Conley, 49 F.3d 1193, 1196 (6th Cir. 1995) (per curiam).

Accordingly, pursuant to Rule 4 of the Rules Governing Section 2254 Cases, this action will be dismissed. Further, the Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith.

IT IS SO ORDERED.

Dated: February 15, 2007

/s/ John R. Adams
JOHN R. ADAMS
UNITED STATES DISTRICT JUDGE